

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

United States Court of Appeals  
Fifth Circuit

**FILED**

March 11, 2010

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No. 09-10389

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Charles R. Fulbruge III  
Clerk

JOHN WILEY PRICE,

Plaintiff-Appellee

v.

EDDIE BERNICE JOHNSON,

Defendant-Appellant

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Petition for Writ of Mandamus to the United States  
District Court for the Northern District of Texas  
USDC No. 3:09-CV-476

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Before REAVLEY, DAVIS, and STEWART, Circuit Judges.

PER CURIAM:\*

Appellant Eddie Bernice Johnson seeks a writ of mandamus vacating the district court's remand order and directing the court to consider and resolve her motion to dismiss. For the reasons given in our decision dismissing for lack of jurisdiction Johnson's direct appeal from the remand order, we are also without jurisdiction to consider the remand by a petition for writ of mandamus. See *In re Weaver*, 610 F.2d 335, 337 (5th Cir. 1980). Accordingly, IT IS ORDERED that the petition for writ of mandamus is DENIED.

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\* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.